

transferring the firmware file and the list of storage devices from the client to the server;

instructing an agent operating on the server to download the firmware to the devices on the list of storage devices; and

responsive to the instructing step, initiating a thread for downloading the firmware to the devices on the list of storage devices.

REMARKS

This Amendment is responsive to the Office Action mailed August 6, 2002. Claims 1-34 are pending, and claims 1-34 are rejected.

Claim Rejections

Applicants respectfully traverse the rejection of claims 1-31. To establish a prima facie case of obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. MPEP 2134.03, citing *In re Royka*, 490 F.2d 981 (CCPA 1974). Applicant traverses the rejections of claims 1-31 because U.S. Patent No. 6,353,848 to Morris ("Morris"), alone or in combination with the secondary references, fails to teach or suggest the structure of the system recited in claim 1, much less the additional features recited in dependent claims 2-31.

Claims 1 and 15-19 were rejected under 35 U.S.C. § 103(a) as allegedly being obvious over Morris in combination with U.S. Patent No. 6,105,066 to Hayes ("Hayes"). Claim 1 recites a system that includes both an agent communicating with a storage device and an agent manager that tracks the agent(s). The Action asserts that Morris discloses a system having an agent communicating with a storage device, and references column 7, lines 19-26 and column 11, lines 5-24. The Action further asserts that Morris discloses an agent manager that tracks the agent, and references column 14, lines 16-30. Applicants disagree.

Among other things, Morris describes an executable program 700 implemented on a processor of a server computer system (column 10, lines 54-64). Assuming, for the sake of argument, that the executable program 700 described in Morris is the analogue of the agent claim element, Morris

lacks any structure or function corresponding to the claimed agent manager. Similarly, Hayes lacks any structure or function corresponding to the claimed agent manager, which is a structural element separate from the agent. Therefore, Morris, alone or in combination with Hayes, cannot render obvious claim 1. Claims 2-31 depend from claim 1 and are allowable under the doctrine of In re Fine.

Claim 32 has been amended to recite limitations directed to generating a list of one or more storage devices for receiving the firmware file, and determining whether the storage devices on the list are updatable, and removing the devices that are not updatable from the list of storage devices for receiving the firmware file. The cited references, alone or in combination, neither disclose nor suggest the method of claim 32. Therefore, claim 32 is allowable over the cited references.

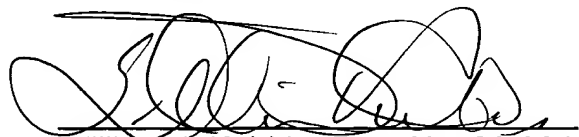
Conclusion

In view of the above, claims 1-34 are believed to be allowable and the case in condition for allowance, which action is respectfully requested. Should the Examiner be of the opinion that a telephone conference would expedite the prosecution of this case, the Examiner is requested to contact Applicants' attorney at the telephone number listed below.

Although no fee is believed due for this filing, any fee associated with this transmittal may be charged to Deposit Account No. 50-1123.

Respectfully submitted,

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Date


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"Version with Markings to Show Changes Made"

IN THE CLAIMS:

Please amend claim 32 as follows:

32. (Amended) A method for downloading firmware to [a] at least one of a plurality of storage devices of a computing system having [a] at least one client connected to a server, the method comprising the steps of:

creating a firmware file, including a copy of the firmware with a data header embedded therewith;

generating a list of one or more storage devices for receiving the firmware file;

determining whether the storage devices on the list are updatable, and removing the devices that are not updatable from the list of storage devices for receiving the firmware file;

transferring the firmware file and the list of storage devices from the client to the server;

instructing an agent operating on the server to download the firmware to the devices on the list of storage devices; and

responsive to the instructing step, initiating a thread for downloading the firmware to the devices on the list of storage devices.